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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/691,718
Filing Date	10/22/2003
First Named Inventor	Tatta
Group Art Unit	3632
Examiner Name	K. H. Chan
Attorney Docket Number	Tatta-3

Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☒ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
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Remarks

Appeal Brief Of Applicant

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Signature

Date

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**FEE TRANSMITTAL**  
**for FY 2006**

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 250)**Complete if Known**

Application Number	10/691,718
Filing Date	10/22/2003
First Named Inventor	Tatta
Examiner Name	K.H. Chan
Art Unit	3632
Attorney Docket No.	Tatta-1

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit  
Account  
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Deposit  
Account  
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☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>				<b>(\$)</b>	

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	250
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Pub fee and 5 copies

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**SUBTOTAL (3)** (\$ 250)**SUBMITTED BY**

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Name (Print/Type)

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Signature

Date

12/05/2006

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**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
**Tatta**

Serial No.: **10/691,718**

Filed: **October 22, 2003**

For: **MOUNTING DEVICE AND METHOD  
FOR ATTACHING AN ELECTRONIC TOLL  
PASS ASSEMBLY TO A VEHICLE  
WINDSHIELD**

Examiner: **K. H. Chan**

Group Art Unit: **3632**

Date: **December 05, 2006**

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**12-5-06**

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**APPEAL BRIEF OF APPELLANT**

Sir:

The Applicant having previously filed a Notice Of Appeal for the above-captioned application, herein timely files this Appeal Brief in accordance with 37 C.F.R. 41 et seq.

**I. REAL PARTY IN INTEREST [37 CFR §41.37(c)(1)]**

The subject application is not assigned. As such, the Real Party in Interest is the Applicant, Andre Tatta.

**II. RELATED APPEALS AND INTERFERENCES [37 CFR §41.37(c)(2)]**

No other related application is currently subject to an Appeal or Interference.

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### **III. STATUS OF CLAIMS [37 CFR §41.37(c)(3)]**

The status of the pending claims is as follows

Claims 1-15 were filed with the original application.

Claim 10 has been cancelled.

Claims 1-9 and 11-15 are pending in this application.

Claims 1-4, 6-9 and 11-15 stand as finally rejected by the Examiner.

Claim 5 is objected to.

Claims 1-9 and 11-15 are the appealed claims.

### **IV. STATUS OF THE AMENDMENTS [37 CFR §41.37(c)(4)]**

The last amendment filed by the Applicant on October 05, 2006 was entered by the Examiner. No other amendments were filed.

### **V. SUMMARY OF THE CLAIMED SUBJECT MATTER [37 CFR §41.37(c)(5)]**

The subject application has two pending independent claims, which are Claim 1 and Claim 9. All other pending claims are dependent claims.

**Claim 1** sets forth a mounting device (*20, Fig. 2*) for mounting an electronic toll payment pass (*14, Fig. 2*) to the interior of a contoured windshield (*12, Fig. 2*) and diminishing the visibility of the electronic toll pass (*14*) through the windshield (*12*). (See preamble of Claim 20) The claimed mounting device (*20*) includes a flexible support substrate (*24, Fig. 2*) having a face surface (*23, Fig. 2*) and an opposite back surface. The flexible support substrate (*24*) conforms to the interior of the contoured windshield (*12*) (See *Specification, page 11, lines 12-17*).

A display image (*22, Fig. 2*) is provided on the face surface (*23*) of the flexible support substrate (*24*). (See *Specification, page 11, lines 19-20*) An adhesive coating is present on at least part of the display image (*22*). (See *Specification, page 12, lines 3-7*) This enables the display image (*22*) to be selectively attached directly to the contoured windshield (*12*) of the vehicle as the flexible support substrate (*24*) conforms to the contoured windshield (*12*). (See

*Specification, page 12, lines 8-12)*

At least one fastener (28, *Fig. 2*) is provided on the back surface of the flexible support substrate (24). The fastener (28) enables the electronic toll payment pass (14) to be selectively mounted to the back surface of the flexible support substrate (24). (*See specification, page 13, lines 17-22*)

By adhering the display image (22) against the windshield (12), the display image (22) is viewable through the windshield (22). Consequently, when the electronic toll payment pass (14) is attached to the back of the flexible support substrate (24), the visibility of the electronic toll payment pass (14) is greatly diminished. (*See Specification, page 14, lines 10-16*).

**Claim 9** sets forth a method of mounting an electronic toll payment pass (14) to a contoured windshield (12) of a vehicle in a manner that diminishes the visibility of the electronic toll payment pass (14) through the contoured windshield (12). (*See preamble of Claim 20*) In the claimed method, a flexible support substrate (24, *Fig. 2*) is provided that has a face surface (23, *Fig. 2*). The flexible support substrate (24) includes a display image (22, *Fig. 2*) that is visible when viewing the face surface (23).

The mounting structure (20) is adhesively attached to the contoured windshield (12) of the vehicle. (*See Specification, page 12, lines 3-13*) The face surface (23) of the mounting structure (20, *Fig. 2*) abuts against the contoured windshield (12) as the flexible support substrate (24) conforms to the contoured windshield (12). (*See Specification, page 11, lines 12-17*).

An electronic toll payment pass (14) is attached to the back surface (23) of the flexible support substrate (24). (*See specification, page 13, lines 17-22*). The flexible support substrate (24) is interposed between the contoured windshield (12) and the electronic toll payment pass (14), thereby obstructing the visibility of the electronic toll payment pass (14). (*See Specification, page 14, lines 10-16*).

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL [37 CFR §41.37(c)(6)]**

The grounds of rejection to be reviewed on appeal are as follows:

1. - Claims 1, 3, 8, 9, 13 and 15 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6, 127,938 to Friedman in view of U.S. Patent No. 6,258,200 to Kassab.
2. - Claims 2, 6 and 11 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6, 127,938 to Friedman in view of U.S. Patent No. 6,258,200 to Kassab and in further view of US Patent No 5,688,579 to Konsti.
3. - Claims 7 and 12 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6, 127,938 to Friedman in view of U.S. Patent No. 6,258,200 to Kassab and in further view of US Patent No 5,688,579 to Konsti and U.S. Patent No. 4,848,542 to Burnette.
4. - Claim 4 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6, 127,938 to Friedman in view of U.S. Patent No. 6,258,200 to Kassab and in further view of U.S. Patent No. 4,848,542 to Burnette.
5. - Claim 5 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6, 127,938 to Friedman in view of U.S. Patent No. 6,258,200 to Kassab and in further view of U.S. Patent No. 5,151,593 to Domenig.
6. - Claims 1-9 and 11-15 should not stand rejected because the Examiner has no proper motivation for the combinations made, thereby producing a wrongful hindsight reconstruction.

**VII. ARGUMENTS. [37 CFR §41.37(c)(7)]**

**GROUND 1 - Whether the Examiner erred in finally rejecting Claims 1, 3, 8, 9, 13 and 15 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6, 127,938 to Friedman in view of U.S. Patent No. 6,258,200 to Kassab**

The rejected claims contain two independent claims, which are Claim 1 and Claim 9. Both Claim 1 and Claim 9 are fully distinguishable over the combined references, as is explained below.

**Claim 1** sets forth a mounting device for mounting an electronic toll payment pass to the interior of a contoured windshield and diminishing the visibility of the electronic toll pass through the windshield. The claimed device includes a flexible support substrate having a face surface and a back surface. The flexible support substrate conforms to the interior of the contoured windshield.

A display image is provided on the face surface of the flexible support substrate. An adhesive coating is present on at least part of the display image. This enables the display image to be selectively attached directly to the contoured windshield of the vehicle as said flexible support substrate conforms to the contoured windshield.

At least one fastener is provided on the back surface of the flexible support substrate. The fastener enables the electronic toll payment pass to be selectively mounted to the back surface of said flexible support substrate.

By adhering the display image against the windshield, the display image is viewable through the windshield. Consequently, when the electronic toll payment pass is attached to the back of the flexible support substrate, the visibility of the electronic toll payment pass is greatly diminished.

**The primary Friedman patent** discloses a shield for an electronic toll payment pass that can be used to selectively stop the electronic payment pass from working when passing through a toll. As is specifically stated in Friedman in Column 4, lines 29-36 *“housing member 22 will be constructed of a material capable of shielding the signal emitted by transponder 10”*. The material can be plastic impregnated with metal to provide the plastic with shielding properties. Alternatively, the housing can be made of metal. See Friedman, column 4, line 36.

It will be understood the plastic impregnated with metal sufficient enough to block a strong radio signal is going to be rather thick and rigid, Furthermore, and protective shield made of metal would also be rigid.

The teaching of the Friedman patent teaches away from the present invention. The present invention utilizes a thin flexible support substrate that conforms to the shape of the windshield. Furthermore, as is stated in the original application, page 14, last paragraph:

**The flexible support substrate 24 is only a thin opaque sheet of paperboard or plastic. As such, the presence of the flexible support substrate 24 between the windshield 12 and the housing of the electronic toll payment pass 14 has a negligible effect upon the functionality of the electronic toll payment pass 14.**

It can therefore be seen that the purpose of the present invention is merely to prevent and electronic toll pass from being seen without stopping the electronic toll pass from working properly.

As applied to the specific wording of Claim 1, it can be seen that the Friedland patent does not disclose a device for holding a toll payment pass that contains a display image.

The Friedland patent does not disclose a holder for a toll payment pass that has a flexible support substrate.

Lastly, the Friedland patent does not disclose a holder for a toll payment pass where adhesive is used to attach the display image directly to the windshield.



**The secondary Kassab patent** discloses a static cling intermediary that enables stickers with permanent adhesive to be temporally applied to a glass window. The Kassab patent make no disclosure concerning a structure that cam used to hold an electronic toll payment pass.

It can be seen that, like the Friedland patent, the Kassab patent does not disclose a device for holding a toll payment pass that contains a display image. The Kassab patent only discloses transparent static cling substrates.

Likewise, the Kassab patent does not disclose a display image that attaches to both a window and an electronic toll payment pass.

Lastly, like the Friedland, the Kassab patent does not disclose a holder for a toll payment pass where adhesive is used to attach the display image directly to the windshield.

**In combination**, it is clear that the Friedland patent and the Kassab patent all fail to disclose or suggest a holder for a toll payment pass that is designed to diminish the visibility of the toll payment pass without affecting the operation of the electronic toll payment pass. The combined prior art references all fail to disclose or suggest a device for holding a toll payment pass that uses a thin, flexible substrate upon which a display image is printed. Furthermore, the combined Friedland and Kassab patents fail to disclose or suggest a toll payment pass where adhesive is used to attach the display image directly to the windshield.

Since these features are specifically claimed in Claim 1, it is clear that the combined references do not disclose the matter of Claim 1. It is therefore requested that the 35 USC 103 rejection as applied to Claim 1 and its dependent claims be withdrawn.

#### Claim 9

**Claim 9** sets forth a method of mounting an electronic toll payment pass to a contoured windshield of a vehicle in a manner that diminishes the visibility of the electronic toll payment pass through the contoured windshield. In the claimed method, a flexible support substrate is provided that has a face surface and a back surface. The flexible support substrate includes a display image that is visible when viewing the face surface.

The mounting structure is adhesively attached to the contoured windshield of the vehicle.

The face surface of the mounting structure abuts against the contoured windshield as the flexible support substrate conforms to the contoured windshield.

An electronic toll payment pass is attached to the back surface of the flexible support substrate. The flexible support substrate is interposed between the contoured windshield and the electronic toll payment pass, thereby obstructing the visibility of the toll payment pass.

**As has been previously explained, in combination** it is clear that the Friedland patent and the Kassab patent fail to disclose or suggest a holder for a toll payment pass that is designed to diminish the visibility of the toll payment pass without affecting the operation of the electronic toll payment pass. The combined prior art references all fail to disclose or suggest a device for holding a toll payment pass that uses a thin, flexible substrate upon which a display image is printed. Furthermore, the combined Friedland and Kassab patents fail to disclose or suggest a toll payment pass where adhesive is used to attach the display image directly to the windshield.

As applied to the specific wording of Claim 9, it can be seen that the combined Friedland and Kassab patents do not disclose a method of providing a toll payment pass holder that contains a display image. The combined Friedland and Kassab patents do not disclose a holder for a toll payment pass that has a flexible support substrate. Lastly, the combined Friedland and Kassab patents do not disclose a holder for a toll payment pass where adhesive is used to attach a flexible mounting substrate directly to the windshield.

Since these features are specifically claimed in Claim 9, it is clear that the combined references do not disclose the methodology set forth in Claim 9. It is therefore requested that the 35 USC 103 rejection as applied to Claim 9 and its dependent claims be withdrawn.

**GROUND 2 - Whether the Examiner erred in finally rejecting Claims 2, 6 and 11 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6, 127,938 to Friedman in view of U.S. Patent No. 6,258,200 to Kassab and in further view of US Patent No 5,688,579 to Konsti.**

Claim 2 and 6 depend from Independent Claim 1. Claim 11 depends from Independent Claim 9.

Claim 1 is distinguishable over the combined Friedland and Kassab patents for the reasons previously presented. However, in this set of rejections, the Examiner additionally cites the Konsti patent. The Konsti patent discloses a mounting composite that is used to mount sheet material (paper) to a vertical wall. See Konsti Abstract. However, it is obvious that the Konsti patent makes no disclosure concerning the mounting of an electronic toll payment pass to a vehicle windshield. Consequently, the Konsti patent does not address the deficiencies of the Friedland patent and the Kassab patent as applied to independent Claim 1 and Independent Claim 9.

More specifically, the combination of the Friedland, Kassab and Konsti patents all fail to disclose or suggest a holder for a toll payment pass that is designed to diminish the visibility of the toll payment pass without affecting the operation of the electronic toll payment pass. The combined prior art references all fail to disclose or suggest a device for holding a toll payment pass that uses a thin, flexible substrate upon which a display image is printed. Furthermore, the combined prior art patents fail to disclose or suggest a toll payment pass where adhesive is used to attach the display image directly to the windshield.

Claim 2, 6 and 11 are therefore clearly distinguishable over the combined prior art references since these claims depend from and further define allowable base claims.

**GROUND 3. - Whether the Examiner erred in rejecting Claims 7 and 12 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6, 127,938 to Friedman in view of U.S. Patent No. 6,258,200 to Kassab and in further view of US Patent No 5,688,579 to Konsti and U.S. Patent No. 4,848,542 to Burnette.**

Claim 7 depends from Independent Claim 1. Claim 12 depends from Independent Claim 9.

Claim 1 is distinguishable over the combined Friedland, Kassab and Konsti patents for the reasons previously presented. However, in this set of rejections, the Examiner additionally cites the Burnette patent. The Burnette patent discloses a double-side suction cup holder for a

bathroom mirror. It is obvious that the Burnette patent makes no disclosure concerning the mounting of an electronic toll payment pass to a vehicle windshield. Consequently, the Burnette patent does not address the deficiencies of the Friedland, Kassab and Konsti patents as applied to independent Claim 1 and Independent Claim 9.

More specifically, the combination of the Friedland, Kassab, Konsti and Burnette patents all fail to disclose or suggest a holder for a toll payment pass that is designed to diminish the visibility of the toll payment pass without affecting the operation of the electronic toll payment pass. The combined prior art references all fail to disclose or suggest a device for holding a toll payment pass that uses a thin, flexible substrate upon which a display image is printed. Furthermore, the combined prior art patents fail to disclose or suggest a toll payment pass where adhesive is used to attach the display image directly to the windshield.

Claim 7 and 12 are therefore clearly distinguishable over the combined prior art references since these claims depend from and further define allowable base claims.

**GROUND 4. -       Whether the Examiner erred in rejecting Claim 4 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6, 127,938 to Friedman in view of U.S. Patent No. 6,258,200 to Kassab and in further view of U.S. Patent No. 4,848,542 to Burnette.**

Claim 4 depends from independent Claim 1. Claim 1 is distinguishable over the combined Friedland, Kassab and Burnette patents for the reasons previously present in reply to Ground 3 of the arguments.

In view of the arguments that were presented, Claim 4 is believed to be allowable since it depends from, and further defines, an independent claim that is distinguishable from the cited prior art.

**GROUND 5. - Whether the Examiner erred in rejecting Claim 5 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6, 127,938 to Friedman in view of U.S. Patent No. 6,258,200 to Kassab and in further view of U.S. Patent No. 5,151,593 to Domenig.**

Claim 14 depends from Independent Claim 9.

Claim 9 is distinguishable over the combined Friedland and Kassab patents for the reasons previously presented. However, in this set of rejections, the Examiner additionally cites the Domenig patent. The Domenig patent discloses a kitchen cabinet structure that hangs on the wall using Velcro. It is obvious that the Domenig patent makes no disclosure concerning the mounting of an electronic toll payment pass to a vehicle windshield. Consequently, the Domenig patent does not address the deficiencies of the Friedland patent and the Kassab patent as applied to independent Claim 9.

More specifically, the combination of the Friedland, Kassab and Domenig patents all fail to disclose or suggest a holder for a toll payment pass that is designed to diminish the visibility of the toll payment pass without affecting the operation of the electronic toll payment pass. The combined prior art references all fail to disclose or suggest a device for holding a toll payment pass that uses a thin, flexible substrate upon which a display image is printed. Furthermore, the combined prior art patents fail to disclose or suggest a toll payment pass where adhesive is used to attach the display image directly to the windshield.

Claim 14 is therefore clearly distinguishable over the combined prior art references since these claims depend from and further define allowable base claims.

**GROUND 6. -Claims 1-9 and 11-15 should not stand rejected because the Examiner has no proper motivation for the combinations made, thereby producing a wrongful hindsight reconstruction.**

The Examiner's rejections, based upon the cited references, require a selective combination of various elements before the references can be applied to the pending claims. The

law is clear. When prior art references require selective combination to render the claims of an application obvious, there must be some reason for the combination other than hindsight gleaned from the invention itself. See *Interconnect Planning Corp. v. Feil* 774 F.2nd 1138, 227 USPQ 543 (Fed Cir 1985), and *Ashland Oil, Inc.* 776 F.2nd 281, 227 USPQ 657 (Fed Cir 1985).

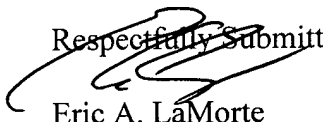
Something in the prior art as a whole must suggest the desirability and thus the obviousness of making the combination. See *Lindermann Maschinenfabrik GmbH v. American Hoist and Derrick Co.* 730 F.2nd 1452, 221 USPQ 481 (Fed Cir. 1984), and *Uniroyal Inc. v. Rudkin-Wiley Corp.* 5 USPQ 2nd 1434 (1988).

As the court stated in *Uniroyal*, 837 F.2nd at 1051, 5 USPQ2nd at 1438, **"it is impermissible to use the claims as a frame and the prior art references as a mosaic to piece together a facsimile of the claimed invention."** In regard to the matter set forth in both Claim 1 and Claim 9, the prior art cited simply does not disclose any device or method where a flexible substrate, having a display image printed upon it, is used to hold an electronic toll payment pass in place while shielding that electronic toll payment pass from sight. Since nothing in the cited art suggests what was claimed, the Examiner's combination is without motivation and is wrongful.

## **CONCLUSION**

The Applicant's brief is believed to be in full compliance with 37 C.F.R. §41.37 et seq. The Examiner's 35 U.S.C. §103 rejections are not supported by the cited references. The Board is therefore requested to cause the Examiner to remove the rejections and allow the remaining pending claims.

Respectfully Submitted,

  
Eric A. LaMorte  
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Attorney for Applicant

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**VIII. CLAIMS APPENDIX [37 CFR 41.47(c)(8)].**

The pending claims stand as follows:

1. A mounting device for mounting an electronic toll payment pass to the interior of a contoured windshield and diminishing the visibility of the electronic toll pass through the windshield, said device comprising:

    a flexible support substrate having a face surface and a back surface, said flexible support substrate being conformable to the interior of the contoured windshield;

    a display image covering said face surface of said flexible support substrate;

    an adhesive coating on at least part of said display image, wherein said adhesive coating enables said display image to be selectively attached directly to the contoured windshield of the vehicle as said flexible support substrate conforms to the contoured windshield; and

    at least one fastener coupled to said back surface of said flexible support substrate that enables the electronic toll payment pass to be selectively mounted to said back surface of said flexible support substrate.

2. The device according to Claim 1, wherein said flexible support substrate is opaque and prevents the electronic toll

payment pass from being viewed through the windshield.

3. The device according to Claim 1, wherein said display image is printed on said face surface of said flexible support substrate.

4. The device according to Claim 1, wherein said display image is adhered to said face surface of said flexible support structure.

5. The device according to Claim 1, wherein said flexible support substrate has walls that extend from said back surface, wherein the electronic toll payment pass is disposed between said walls when mounted to said back surface of said flexible support substrate.

6. The device according to Claim 1, wherein said flexible support substrate is made from a paperboard material.

7. The device according to Claim 6, wherein said face surface of said flexible support substrate is laminated.

8. The device according to Claim 1, wherein said at least one fastener includes at least one area of hook and loop fastening material.



9. A method of mounting an electronic toll payment pass to a contoured windshield of a vehicle in a manner that diminishes the visibility of the electronic toll payment pass through the contoured windshield, said method comprising the steps of:

providing a flexible support substrate having a face surface and a back surface, wherein said flexible support substrate includes a display image that is visible when viewing said face surface;

adhesively attaching the mounting structure to said contoured windshield of the vehicle, wherein said face surface abuts against said contoured windshield and said flexible support substrate conforms to said contoured windshield; and

attaching the electronic toll payment pass to the back surface of said flexible support substrate, wherein said flexible support substrate is interposed between the contoured windshield and the electronic toll payment pass.

10. (Cancelled)

11. The method according to Claim 9 wherein said flexible support substrate is paperboard.

12. The method according to Claim 11, further including the step of laminating said flexible support substrate.

13. The method according to Claim 9, wherein said step of adhesively attaching the mounting structure to the windshield of the vehicle includes applying adhesive to said face surface so that all of said face surface adheres to the contoured windshield.

14. The method according to Claim 9, wherein said step of attaching the mounting structure to the contoured windshield of the vehicle includes placing double-sided tape between the contoured windshield and the face surface of the mounting structure.

15. The method according to Claim 9, wherein said step of attaching the electronic toll payment pass to the back surface of the mounting structure includes the substeps of:

providing areas of hook and loop material on both the back surface of the mounting structure and the electronic toll payment pass; and

connecting the electronic toll payment pass to the back surface of the mounting structure by interconnecting said areas of hook and loop material.

**IX. EVIDENCE APPENDIX [37 CFR 41.37(c)(1)(ix)].**

There is no evidence submitted under 37 CFR 1.130, 1.131 or 1.132 or any other evidence relied upon by the applicant

**X. RELATED DECISION APPENDIX [37 CFR 41.37(c)(1)(x)].**

There are no decisions by a court or the Board relevant to this appeal.